UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/763,862	01/22/2004	Wen-Ping Ying	CING-132	8510

39013   7590   12/23/2008
MOAZZAM & ASSOCIATES, LLC
7601 LEWINSVILLE ROAD
SUITE 304
MCLEAN, VA 22102

EXAMINER
CHRISTENSEN, SCOTT B

ART UNIT	PAPER NUMBER
2444	

MAIL DATE	DELIVERY MODE
12/23/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

DETAILED ACTION

Response to Amendment

1.   This office action is in response to Applicant's amendment filed 9/15/2008.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form

the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign
country or in public use or on sale in this country, more than one year prior to the date
of application for patent in the United States.

2.   **Claims 1, 2, 10-12** are rejected under 35 U.S.C. 102(e) as being anticipated by

Oommen et al. (Oommen), US PG pub. No. 2003/0103484.

3.   Regarding **Claim 1**, Oommen discloses a method comprising: receiving one of a

Short Message Service, Enhanced Message Service, Multimedia Message Service, and

SyncML message; extracting a device identifier from the message; and applying the

device identifier to determine a device status **(see e.g. Page 6, ¶0062) Using a**

SyncML, unique device identity as well as the capabilities of the device and

device information are ascertained, including location information **(see e.g. Page 3,**

¶025, lines 15-18) the object identifier, indicating the location.

4.   Regarding **Claim 2**, Oommen discloses the method of claim 1, further

comprising: extracting an International Mobile Equipment Identity from the message

(see e.g. Page 6, ¶0062) unique device identity as well as the capabilities of the

device and device information are ascertained.

5.   Regarding **Claim 10**, Oommen discloses a network element comprising: logic to

cause the processing of at least one of a Short Message Service, Enhanced Message

Service, Multimedia Message Service, and SyncML message to extract a device

identifier from the message, and to apply the device identifier to determine a device

status, including location information; and at least one processor to execute at least

some of the logic **(see e.g. Page 6, ¶0062) the SyncML DM server, which being a**

server contains at least a processor capable of processing a SyncML message,

performs the device management tasks by ascertaining the device information,

the unique device identity as well as the capabilities of the device, (see e.g. Page

3, ¶025, lines 15-18) the object identifier, indicating the location.

6.   Regarding **Claim 11**, Oommen discloses the network element of Claim 10,

further comprising: logic to cause the setting of network access permissions for the

device according to the device status **(see e.g. Page 6, ¶0062) the SyncML DM**

server, is capable of processing a SyncML message, performs the device

management tasks by ascertaining the device information, the unique device

identity as well as the capabilities of the device.

7.   Regarding **Claim 12**, Oommen discloses the network element of Claim 10,

further comprising: logic to cause the extraction of an International Mobile Equipment

Identity from the message **(see e.g. Page 6, ¶0062) the SyncML DM server, is**

capable of processing a SyncML message, performing the device management

tasks by ascertaining the device information, the unique device identity as well as

the capabilities of the device.

Claim Rejections - 35 USC § 103

8.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

The factual inquiries set forth in *Graham* v. *John Deere Co.*, 383 U.S. 1, 148 USPQ 459

(1966), that are applied for establishing a background for determining obviousness

under 35 U.S.C. 103(a) are summarized as follows:

   a.   Determining the scope and contents of the prior art.
   b.   Ascertaining the differences between the prior art and the claims at issue.
   c.   Resolving the level of ordinary skill in the pertinent art.
   d.   Considering objective evidence present in the application indicating
obviousness or nonobviousness.

9.   **Claims 19-23** are rejected under 35 U.S.C. 103(a) as being unpatentable over

Chen et al. (Chen), US PG Pub. No. 2005/0153741 in view of Oommen.

10.   Regarding **Claim 19** Chen discloses, a communication arrangement comprising:

a Short Message Service Center (SMSC) **(Fig. 5, 517) SMSC**; a permissions facility

(Fig. 5, 523) Service Management Module; and a network element configured to

receive a Short Message Service message from a device via the SMSC **(Fig. 5, 519)**

SMSC GW, apply the device identifier to locate device status information **(Fig. 7, 718 &**

¶0057, lines 29-35) a server associating the received information with the device

status, and interact with the permissions facility to determine permissions to apply to

service requests originating from the device **(Fig. 7, 716 & ¶0057, lines 25-28) a server**

associating the received information with service status. However, Chen does not

teach: extract a device identifier from the message, location information.

11.   In the same field of endeavor, Oommen teaches, **(see e.g. Page 6, ¶0062)**

unique device identity as well as the capabilities of the device and device

information is ascertained, (see e.g. Page 3, ¶025, lines 15-18) the object

identifier, indicating the location

12.   It would have been obvious to one of ordinary skill in the networking art at the

time the applicant's invention was made to combine Oommen's teachings of

ascertaining the device identity, capabilities and information with the teachings of Chen,

for the purpose of facilitating retrieval of mobile device configuration or capabilities **(see Oommen, ¶0002).** Chen provides motivation to do so, by enabling a network to detect when a subscriber changes phones and uses the same subscriber identification (SIM) card as well as a subscriber using someone else's SIM card in their mobile handset **(see Chen, Page 1, ¶0008).**

13.   Regarding **Claim 20**, Chen and Oommen as applied to claim 19 above substantially disclose the invention as claimed. Chen further discloses: the network element further configured to extract a subscriber identifier from the message and apply the subscriber identifier to determine subscriber services. **(Fig, 7, 714, ¶0057) extracting the Subscriber Information from the message received message (IMSI), (Fig 6, ¶0047) subscriber registration and subscriber services are identified based on association of the IMSI and the service database IMEI is used to determine the status of the device in conjunction with the service database.**

14.   Regarding **Claim 21**, Chen and Oommen as applied to claim 19 above substantially disclose the invention as claimed. However Chen does not explicitly teach: the network element further configured to extract an International Mobile Equipment Identity from the message.

15.   In the same field of endeavor, Oommen teaches, **(see e.g. Page 6, ¶0062) unique device identity as well as the capabilities of the device and device information is ascertained**.

16.   It would have been obvious to one of ordinary skill in the networking art at the

time the applicant's invention was made to combine Oommen's teachings of

ascertaining the device unique identity with the teachings of Chen, for the purpose of

facilitating retrieval of mobile device configuration or capabilities **(see Oommen,**

¶0002). Chen provides motivation to do so, by enabling a network to detect when a

subscriber changes phones and uses the same subscriber identification (SIM) card as

well as a subscriber using someone else's SIM card in their mobile handset **(see Chen,**

Page 1, ¶0008).

17.   Regarding **Claim 22**, Chen and Oommen as applied to claim 20 above

substantially disclose the invention as claimed. However Chen does not explicitly teach:

the network element further configured to extract at least one of International Mobile

Equipment Identity and Integrated Circuit Card ID from the message.

18.   In the same field of endeavor, Oommen teaches, **(see e.g. Page 6, ¶0062)**

unique device identity as well as the capabilities of the device and device

information is ascertained.

19.   It would have been obvious to one of ordinary skill in the networking art at the

time the applicant's invention was made to combine Oommen's teachings of

ascertaining the device unique identity with the teachings of Chen, for the purpose of

facilitating retrieval of mobile device configuration or capabilities **(see Oommen,**

¶0002). Chen provides motivation to do so, by enabling a network to detect when a subscriber changes phones and uses the same subscriber identification (SIM) card as well as a subscriber using someone else's SIM card in their mobile handset **(see Chen, Page 1, ¶0008)**.

20.   Regarding **Claim 23**, Chen and Oommen as applied to claim 19 above substantially disclose the invention as claimed. Chen further discloses: the network element comprising a deny database, the deny database comprising device status information **(Fig. 5, 525, ¶0057) the device status is determined based on its identification and the information in service database**.

Claim Rejections - 35 USC § 103

21.   **Claims 3, 4, 7-9, 13, 16-18** are rejected under 35 U.S.C. 103(a) as being unpatentable over Oommen in view of Chen.

22.   Regarding **Claim 3**, Oommen as applied to claim 1 above substantially discloses the invention as claimed. However Oommen does not explicitly teach: setting network access permissions according to the device status for a device corresponding to the device identifier.

23.   In the same field of endeavor, Chen teaches, **(see e.g. Fig. 6, ¶0047) a server registering the mobile device according to the received information corresponding to the device identification**.

24.   It would have been obvious to one of ordinary skill in the networking art at the time the applicant's invention was made to combine Chen's teachings of registering a mobile device according to the received information corresponding to the device identification with teachings of Oommen, for the purpose of enabling a network to detect when a subscriber changes phones and uses the same subscriber identification (SIM) card as well as a subscriber using someone else's SIM card in their mobile handset **(see Chen, Page 1, ¶0008)**. Oommen provides motivation to do so, by facilitating retrieval of mobile device configuration or capabilities **(see Oommen, ¶0002)**.

25.   Regarding **Claim 4**, Oommen as applied to claim 1 above substantially discloses the invention as claimed. However Oommen does not explicitly teach: applying the device identifier to a deny database to determine the device status.

26.   In the same field of endeavor, Chen teaches, **(see e.g. Fig. 5, 525, ¶0057) the device status is determined based on its identification and the information in service database**.

27.   It would have been obvious to one of ordinary skill in the networking art at the time the applicant's invention was made to combine Chen's teachings of device status determination based on its identification information in the service database with teachings of Oommen, for the purpose of enabling a network to detect when a

subscriber changes phones and uses the same subscriber identification (SIM) card as well as a subscriber using someone else's SIM card in their mobile handset **(see Chen, Page 1, ¶0008)**. Oommen provides motivation to do so, by facilitating retrieval of mobile device configuration or capabilities **(see Oommen, ¶0002)**.

28.   Regarding **Claim 7**, Oommen as applied to claim 1 above substantially discloses the invention as claimed. However Oommen does not explicitly teach: extracting a subscriber identifier from the message; applying the subscriber identifier to identify subscriber services; and applying permissions for access to the subscriber services by the subscriber according to the device status.

29.   In the same field of endeavor, Chen teaches, **(see e.g. Fig, 7, 714, ¶0057) extracting the Subscriber Information from the message received (see e.g. Fig. 6, ¶0047) a server registering the mobile device according to the received information corresponding to the Subscriber identification (IMSI) and device information (IMEI).**

30.   It would have been obvious to one of ordinary skill in the networking art at the time the applicant's invention was made to combine Chen's teachings of registering a mobile device according to the received Information corresponding to the extracted Subscriber Identification (IMSI) and (IMEI) with teachings of Oommen, for the purpose of enabling a network to detect when a subscriber changes phones and uses the same

subscriber identification (SIM) card as well as a subscriber using someone else's SIM

card in their mobile handset **(see Chen, Page 1, ¶0008)**. Oommen provides motivation

to do so, by facilitating retrieval of mobile device configuration or capabilities **(see**

Oommen, ¶0002).

31.   Regarding **Claim 8**, Oommen and Chen as applied to claim 7 above substantially

disclose the invention as claimed. Chen further discloses: extracting at least one of an

International Mobile Subscriber Identity and an Integrated Circuit Card ID from the **(see**

e.g. Fig. 7, 714, ¶0057) extracting the Subscriber Information from the message

received message (IMSI).

32.   Regarding **Claim 9**, Oommen and Chen as applied to claim 7 above substantially

disclose the invention as claimed. Chen further discloses: applying the subscriber

identifier to locate subscriber information **(see e.g. Fig. 6, ¶0047) a server registering**

the mobile device according to the received information corresponding to the

Subscriber identification (IMSI) and device information (IMEI).

33.   Regarding **Claim 13**, Oommen as applied to claim 10 above substantially

disclose the invention as claimed. However Oommen does not disclose logic to cause

the applying of the device identifier to a deny database to determine the device status

34.   In the same field of endeavor, Chen teaches **(see e.g. Fig. 5, 525, ¶0057) the
device status is determined based on its identification and the information in
service database**

35.   It would have been obvious to one of ordinary skill in the networking art at the
time the applicant's invention was made to combine Chen's teachings of device status
determination based on its identification information and the information in the service
database with teachings of Oommen, for the purpose of enabling a network to detect
when a subscriber changes phones and uses the same subscriber identification (SIM)
card as well as a subscriber using someone else's SIM card in their mobile handset
(see Chen, Page 1, ¶0008). Oommen provides motivation to do so, by facilitating
retrieval of mobile device configuration or capabilities **(see Oommen, ¶0002)**.

36.   Regarding **Claim 16**, Oommen as applied to claim 10 above substantially
disclose the invention as claimed. However Oommen does not discloses logic to cause
the extracting of a subscriber identifier from the message, the applying of the subscriber
identifier to identify subscriber services, and the applying of permissions to the
subscriber services according to the device status.

37.   In the same field of endeavor, Chen teaches **(see e.g. Fig. 7, 714, ¶0057)
extracting the Subscriber Information from the message received, (see e.g. Fig 6,
¶0047) subscriber registration and subscriber services are identified based on**

association of the IMSI and the service database IMEI is used to determine the
status of the device in conjunction with the service database.

38.   It would have been obvious to one of ordinary skill in the networking art at the
time the applicant's invention was made to combine Chen's teachings of extraction of
the Subscriber information and device information for the purpose of device status and
subscriber service determination in association with the database with teachings of
Oommen, for the purpose of enabling a network to detect when a subscriber changes
phones and uses the same subscriber identification (SIM) card as well as a subscriber
using someone else's SIM card in their mobile handset **(see Chen, Page 1, ¶0008)**.
Oommen provides motivation to do so, by facilitating retrieval of mobile device
configuration or capabilities **(see Oommen, ¶0002)**.

39.   Regarding **Claim 17**, Oommen and Chen as applied to claim 16 above
substantially disclose the invention as claimed. Chen further discloses: subscriber
identifier is at least one of International Mobile Subscriber Identity and Integrated Circuit
Card ID **(see e.g. Fig. 7, 714, ¶0057) extracting the Subscriber Information from the**
message received message (IMSI).

40.   Regarding **Claim 18**, Oommen and Chen as applied to claim 16 above
substantially disclose the invention as claimed. Chen further discloses: logic to cause
the applying of the device identifier to a deny database to determine the device status

(see e.g. Fig. 6, ¶0047) a server registering the mobile device according to the received information corresponding to the device information (IMEI) in association with the database.

Claim Rejections - 35 USC § 103

41.   **Claims 5, 6, 14, 15** are rejected under 35 U.S.C. 103(a) as being unpatentable over Oommen in view of Corrigan et al. (Corrigan), US PG Pub. No. 2002/0187775.

42.   Regarding **Claim 5**, Oommen as applied to claim 1 above substantially discloses the invention as claimed. However Oommen does not explicitly teach: receiving the message via a Short Message Peer to Peer interface.

43.   In the same field of endeavor, Corrigan teaches, **(see e.g. Page 7, ¶0178, lines 6-11) utilizing the Short Message Peer to Peer interface for reception of the Short Message Service**.

44.   It would have been obvious to one of ordinary skill in the networking art at the time the applicant's invention was made to combine Corrigan's teachings of reception of the SMS via the Short Message Peer to Peer interface with teachings of Oommen, for Optimal delivery of services over various bearers **(see Corrigan, Page 1, ¶0013)**. Oommen provides motivation to do so, by facilitating retrieval of mobile device configuration or capabilities **(see Oommen, ¶0002)**.

45.   Regarding **Claim 6**, Oommen as applied to claim 1 above substantially discloses

the invention as claimed. However Oommen does not explicitly teach: communicating

the device status to a customer care facility.

46.   In the same field of endeavor, Corrigan teaches, **(see e.g. Page 3, ¶0072) the**

portal provides customer care personnel access to provisioning database.

47.   It would have been obvious to one of ordinary skill in the networking art at the

time the applicant's invention was made to combine Corrigan's teachings of the portal

providing customer care personnel with access to provisioning database with teachings

of Oommen, for Optimal delivery of services over various bearers **(see Corrigan, Page**

1, ¶0013). Oommen provides motivation to do so, by facilitating retrieval of mobile

device configuration or capabilities **(see Oommen, ¶0002)**.

48.   Regarding **Claim 14**, Oommen and Corrigan as applied to claim 10 above

substantially disclose the invention as claimed. Corrigan further discloses logic to cause

the receiving of the message via a Short Message Peer to Peer interface **(see e.g.**

Page 7, ¶0178, lines 6-11) utilizing the Short Message Peer to Peer interface for

reception of the Short Message Service.

49.   Regarding **Claim 15**, Oommen and Corrigan as applied to claim 10 above

substantially disclose the invention as claimed. Corrigan further discloses logic to cause

the communicating of device status to a customer care facility **(see e.g. Page 3, ¶0072)
the portal provides customer care personnel access to provisioning database**.

Response to Arguments

50.   Applicant's arguments filed 9/15/2008 have been fully considered but they are
not persuasive.

51.   Applicant's sole argument presented on pages 7-11 appears to be that Oommen
does not disclose or suggest "including location information," as in, for example, claim
1.

52.   First, it is noted that there is no disclosure as to what constitutes "location
information," or how the device identifier is applied to arrive at the location information.
As for "location information," the term is interpreted as being any information that
pertains to the location of the device. Thus, any information that can be utilized to
determine the location of the device constitutes "location information." In networking,
this includes network addresses, actual coordinates, the network that the device is
located on, the subnet that the device is on, etc.

53.   First, in the case of Oommen, the device identifier of Oommen can identify a
device by "name, location, or structure." (Paragraph [0025]). Paragraph [0062] of
Oommen, as cited above, discloses that uniquely identifies the device. This is the same
device identifier that is disclosed in paragraph [0025], meaning that Oommen discloses
that the device identifier may identify the device by location. Thus, the location of the

device is identified. Further, Oommen utilizes the device identifier, which in the

networking art, constitutes location information, as the identifier is information that can

be utilized to communicate with the device, meaning that the information pertains to

location. Applicant should amend the instant claim to clearly disclose what constitutes

"location information."

54.   Thus, after careful consideration, the rejection of claims 1-23 has been

maintained.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott Christensen whose telephone number is (571)270-1144. The examiner can normally be reached on Monday through Thursday 6:30AM - 4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Vaughn can be reached on (571) 272-3922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/S. C./
Examiner, Art Unit 2444

/William C. Vaughn, Jr./

Supervisory Patent Examiner, Art Unit 2444